

Great Brit. Sec. 11

Act

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As it went from the Lords
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FOR

*Dividing, Inclosing, and Allotting, the Moors,
Commons, and waste Grounds, commonly called
Pool Common, within the Manors of Lan-
verchidol and Stret Marcel, otherwise Street
Marshall, in the Parishes of Pool and Guils-
field, in the County of Montgomery.*

Whereas there are several Parcels of Moor, common or
waste Ground, called or known, and comprised within
the Denomination of Pool Common, lying and being
within the Manors of Lanverchidol and Stret Marcel,
otherwise Street Marshall, in the Parishes of Pool and
Guilsfield, in the County of Montgomery, containing
in the Whole, by Estimation, One hundred and Fifty-
six Acres, or thereabouts:

Preamble.

And whereas the Right Honourable Henry Arthur Earl of Powis is
Lord of the said Manors of Lanverchidol and Stret Marcel, otherwise
Street Marshall, and Owner of the Royalties, and seised of the Inherit-
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ance, of the said Moors, Commons, and waste Grounds, as belonging to, and being Part and Parcel of, the said Manors:

And whereas the said Earl, and the Bailiffs, Aldermen, and Burgesses, of the Borough of *Pool*, in the said County of *Montgomery*, are the sole Proprietors of, and intitled, exclusive of all others, to Common of Pasture for their Cattle of all Kinds in and upon the said Moors or waste Ground called *Pool Common*:

And whereas the said Moors, Commons, and waste Grounds, are at present of little Use or Service to the Persons intitled to such Right of Common thereon as aforesaid; but if the same were inclosed, divided, and converted into Tillage and manurable Land, a great Profit and Advantage would thereby arise and be produced to the Parties interested therein respectively, and the same would be of publick Utility; and, in Consideration and Prospect thereof, the said *Henry Arthur* Earl of *Powis*, and the said Bailiffs, Aldermen, and Burgesses, of the Borough of *Pool* aforesaid, are willing and desirous that a Partition, Severance, and Division, shall be made of the said Moors, Commons, and waste Grounds, called *Pool Common*, by Commissioners in that behalf to be appointed; and that One full Tenth Part of the said Moors, Commons, and waste Grounds, should be assigned and allotted to, and vested in, the said *Henry Arthur* Earl of *Powis*; and the other remaining Nine Parts thereof should be assigned and allotted to, and vested in, the said Bailiffs, Aldermen, and Burgesses, and their Successors, for the Time being, for ever:

But although such Severance, Partition, and Division, will be of great Benefit and Advantage to the said Parties, and of publick Utility; Yet the same cannot be effectually established without the Aid of an Act of Parliament:

May it please Your MAJESTY,

That it may be Enacted, And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the Authority of the same, That the said Moors, Commons, and waste Grounds, called *Pool Common*, situate, lying, and being, within the Manors of *Lanverchidol* and *Stret Marcel*, otherwise *Street Marshall*, in the said County of *Montgomery*, shall, on or before the Twenty-ninth Day of *September* in the Year of our Lord One thousand Seven hundred and Sixty-one, be set out, divided, apportioned, and allotted, by *Thomas Lloyd* of *Trefnant*, *Henry Wynn* of *Doleardden*, *Thomas Brown* of *Mellington*, *John Lloyd* of *Troescoed*, and *Devereux Mytton* of *Guilsfield*, in the County of *Montgomery*, Esquires, Commissioners appointed by this Act, and the Survivors and Survivor, or any Three or more of them, unto and for the said *Henry Arthur* Earl of *Powis*, and the

Commission-
ers Names.

said

said Bailiffs, Aldermen, and Burgeses, of *Pool* aforesaid, in such Shares and Proportions, and subject to such Rules, Orders, and Directions, as are herein after established, appointed, and prescribed, in that behalf.

And, for that Purpose, **It is hereby further Enacted**, That the said Survey to be Commissioners, and the Survivors and Survivor, or any Three or more of them, do and shall, with all convenient Speed, order and direct a Survey and Admeasurement of the said Moors, Commons, and waste Grounds, and a Map or Plan of the same to be made, drawn, prepared, and to be produced to, and laid before them, on or before the Twenty-fourth Day of *June* One thousand Seven hundred and Sixty-one; and that the said Commissioners, or the Survivors or Survivor, or any Three or more of them, shall and may, within Three Months after such Survey, Map, or Plan, shall be made, drawn, prepared, and produced as aforesaid, let out, assign, and allot, unto and for the said *Henry Arthur* Earl of *Powis* and the Lords of the Manors of *Lanverchidol* and *Stret Marcel*, for the Time being, so much and such Parcel of Land and Ground, being Part of the Moors or waste Ground called *Pool Common*, lying all together and in One Plot, and as near as convenient and commodious to and for some Part of the cultivated and inclosed Lands of the said Earl within the said Manors, as by the said Commissioners, or the Survivors or Survivor, or any Three or more of them, shall be deemed or adjudged to contain and comprise One full Tenth Part (Quantity and Quality considered) of the said Moors, Commons, or waste Grounds, so intended to be severed and divided.

And it is hereby further Enacted, That immediately after the said Parcel of Land and Ground shall be so assigned and allotted as aforesaid, the same shall from thenceforth be vested in, and be held and enjoyed by, the said *Henry Arthur* Earl of *Powis* and the Lords of the Manors of *Lanverchidol* and *Stret Marcel* aforesaid, for the Time being, for ever, freed, exempted, and discharged, from all Right of Common whatsoever claimed or to be claimed by the Bailiffs, Aldermen, and Burgeses, of the Borough of *Pool* aforesaid; and the Residue and Remainder of the Lands and Grounds comprised and contained in the said Moor, Common, or waste Ground, and not hereby directed and appointed to be allotted to the said Earl as aforesaid, shall, immediately after such Allotment, belong unto, and the same are hereby from thenceforth vested in, the said Bailiffs, Aldermen, and Burgeses, of the Borough of *Pool* aforesaid, and their Successors, in their Corporate Capacity, for ever; but upon the Trusts, and to and for the Ends, Intents, and Purposes, herein after-mentioned: And that it shall and may be lawful to and for the said Corporation to cause the same to be subdivided and inclosed, for the better Cultivating, Ordering, Managing, and Improving, of the same.

And it is hereby further Enacted, by the Authority aforesaid, That immediately after the said Commissioners, and the Survivor and Survivors, or For making an Award, and inrolling any the same.

any Three or more of them, shall have completed and finished the said Partition and Allotment, of the said Moor, Common, or waste Grounds, pursuant to the Purport and Directions of this Act, they shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express, specify, and contain, the Quantity, in Statute Measure, of Acres, Roods, and Perches, contained in the said Moor, called *Pool Common*, so directed and intended to be divided and inclosed as aforesaid, and the Quantity of the Lands and Grounds to be allotted unto and for the said *Henry Arthur Earl of Powis*, in pursuance of this Act, and the exact Descriptions of the Situation, Butts, and Boundaries, of the Lands and Grounds comprised in the said Allotment; and also such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, for the Perfecting and Completing the said intended Division and Inclosure, as to them shall seem requisite and expedient, and conformable to the Tenor and Purport of this Act; which said Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, or their Successors, or any Three or more of them, on or before the said Twenty-ninth Day of *September* One thousand Seven hundred and Sixty-one, and One Part thereof shall be delivered to the said *Henry Arthur Earl of Powis*, and one other Part thereof delivered to the said Bailiffs, Aldermen, and Burgesses of the said Borough of *Pool*, and their Successors, for the Time being.

Right of
Common ex-
tinguished.

And it is hereby further Enacted, by the Authority aforesaid, That immediately after finishing the said Division and Allotments, and the Execution of the said Award or Instrument, all Right of Common, in, over, and upon the said Moor, Commons, and waste Grounds, herein before directed to be severed and divided as aforesaid, shall cease, determine, and be for ever extinguished.

How the Ex-
pences of
surveying, &c.
are to be paid.

And it is hereby further Enacted, by the Authority aforesaid, That the Charges and Expences, incident to or attending the passing of this Act, and of the surveying, dividing, allotting, and setting out, of the said Moor, Common, or waste Grounds, so intended to be divided and inclosed as aforesaid, and of the preparing, making, and executing the said Award or Instrument, and all other Charges and Expences attending the Execution of this present Act, shall be borne and defrayed by the said *Henry Arthur Earl of Powis*, and the Corporation of *Pool* respectively, in the Proportion herein after mentioned; that is to say, One Tenth Part by the said Earl and the Lord of the Manor of *Lanvrehidol* and *Stret Marol*, for the Time being, and the Residue of the said Charges and Expences, by the said Corporation of the Borough of *Pool* aforesaid, and shall be paid to such Person and Persons, and at such Time and Times, as the said Commissioners, or the Survivors or Survivor of them, or any Three or more of them, shall for that Purpose nominate, direct or appoint.

And

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Bailiffs, Aldermen, and Burgesses, of the said Borough of *Pool*, for the Time being, by Indenture or Indentures, under their common Seal, to demise and lease, all or any Part of the said Moors, Commons, and waste Grounds, which shall be allotted to them, in pursuance of this Act, to any Person or Persons, for and during any Term or Number of Years, not exceeding Twenty-one Years, to be accounted from the Time of making such Leases, to commence and take effect in Possession, and not in Reversion, or by Way of future Interest, reserving upon every such Lease or Leases, Demise or Demises, during the Continuance of the same respectively, as much Rent as the same Premises, so to be letten, shall be reasonably worth, by the Year, and so as the same Lessee or Lessees be not made punishable of Waste, by any Words for that Purpose therein to be contained, and so as the same contain therein a Clause for Re-entry, for Non-payment of the Rent and Rents thereby to be reserved, and the usual Covenants contained in Leases of Lands in the said County of *Montgomery*, and so as Counterparts of such Leases be sealed and executed by the said Lessee or Lessees as aforesaid.

Power for the Corporation to make Leases for 21 Years.

And be it further Enacted, by the Authority aforesaid, That the clear yearly Rents, Issues, and Profits, arising or to be made from the said Lands and Grounds so to be allotted, to and for the said Corporation of *Pool*, as aforesaid, in pursuance of this Act, shall, in the First place, be applied towards building, repairing, beautifying, enlarging, and maintaining, in good Condition and Repair, the public Edifices belonging to the said Borough and Corporation of *Pool* (which are now greatly gone to Decay), and the Surplus of such Rents and Profits, after answering the Purposes aforesaid, shall be paid and applied from time to time, for the Benefit and Relief of the poor and distressed Burgesses of the said Borough of *Pool*, in such manner as the said Bailiffs, Aldermen, and Burgesses, and their Successors, for the Time being, shall order and appoint.

The clear Rents to be applied in repairing the public Edifices, &c.

And be it further Enacted, by the Authority aforesaid, That the Bailiffs of the said Borough of *Pool*, for the Time being, shall be answerable and accountable for the Money which shall be received by them, or by their Order respectively, in pursuance of this Act, and shall, at the Time of going out of their respective Offices, render and deliver in a just and true Account of the Receipts, Payments, and Application of such Rents, Issues, and Profits, as shall, from time to time, come to their or any of their Hands, or to the Hands of any other Person or Persons, by their Order, or for their Uses, and shall, at the same time, pay and deliver to the Bailiffs their Successors, the Ballance or Surplus of the Money, which shall, on such Account, appear to be remaining in their Hands respectively.

Bailiffs to be answerable and accountable for the Rents and Profits.

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And

For saving
the Rights of
the Lord of
the Manor.

And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall extend, or be construed to defeat, lessen, or prejudice, the Right, Title, or Interest, of him the said *Henry Arthur* Earl of *Powis*, or his Heirs or Assigns, of, in, and to, the Seignior and Royalties incident and belonging to the said Manors of *Lanverchidol* and *Street Marcel*, otherwise *Street Marshall*, or either of them; but he, and all Persons claiming under him as Lord or Lords of the said Manors, or either of them, for the Time being, shall and may, from time to time, and at all times for ever hereafter, hold and enjoy all Rents, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Mines of Coal Alom, Lead, and other Mines, Minerals, and all other Rights, Services, Suits, Customs, Royalties, Privileges, and Appurtenances, to the said Manors, or either of them, or to the Lord or Lords thereof for the Time being, incident, appendant, belonging, or in any-wise appertaining (other than and except such Common of Pasture, and other Common Right, as can or may be claimed by, or belonging to, the Lord or Lords of the said Manors respectively for the Time being, in and upon the Premises so to be divided and inclosed as aforesaid), in as full, ample, and beneficial Manner, to all Intents and Purposes, as the Lord of the said Manors for the Time being could or might have held and enjoyed the same, in case this Act, or the said intended Division and Inclosure, had not been made.

General Saving.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than the said *Henry Arthur* Earl of *Powis*, and the said Bailiffs, Aldermen, and Burgeesses, of the Borough of *Pool*, and their Successors, for the Time being, and all and every Person and Persons intitled to any Right of Common, in and upon the said Moors, Commons, and waste Grounds, so directed to be inclosed as aforesaid, his, her, and their Heirs, Successors, Executors, and Administrators respectively); All such Right, Title, and Interest, as they, every or any of them, had and enjoyed, of, in, to, or out of, the said Moors, Commons, and waste Grounds, so directed to be inclosed as aforesaid, before the passing of this Act, or could or might have had and enjoyed, in case this Act had not been made.

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And by a further Statute by the Authority aforesaid, That nothing
herein contained shall extend, or be construed to extend, lessor, or
dise, the Right, Title, or Interest, or any thereof, of any Person or
Persons, or his Heirs or Assigns, of us and to, the King's Majesty and Roy-
al Highnesses, and belonging to the said Manors of *Pool*, *Marshall*, and *Marcel*,
otherwise *Street*, *Marshall*, or either of them, but he and all
Persons claiming under him or her or their or their Heirs or Assigns, or
their Heirs or Assigns, shall and lawfully may, from time to time, and
at all times for ever hereafter, hold and enjoy all Rights, Customs, Tenures,
and other of Courts, Goods and Chattels of Persons and Possessions,
Reliefs of Mortuaries, and all in Right of, Decadence, Wares, Liberties,
Privileges, Mines of Coal, Ashes, Lead, and other Mines, Minerals,
and all other Rights, Services, Rents, Customs, Royalties, Privileges,
and Appurtenances, to the said Manors, or either of them, or to the
Lord or Lords thereof by the Title being, Incident, Appendant, Belonging,
or in anywise appertaining to them and except such Customs of Rents,
and other Common Rights, as can or may be claimed by the holding
of the said Lord or Lords of the said Manors respectively for the Title
being, Incident, Appendant, Belonging, or in anywise appertaining to them,
but in a full, sole, and beneficial Manner, to all Executors and Assigns,
in the said Statute the Words be the Title being, Incident, Appendant,
and Belonging, or in anywise appertaining to them, shall be construed to extend
and be construed to extend to the said Statute the Words be the Title being,
Incident, Appendant, Belonging, or in anywise appertaining to them.

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FOR
Dividing Inclosing, and Allotting,
the Moors, Commons, and waste
Grounds, commonly called Pool
Common, within the Manors of
Lanverchidol and Street Marcel,
otherwise Street Marshall, in the
Parishes of Pool and Gullsfield,
in the County of Montgomery.